



## POLICE DEPARTMENT

October 17, 2011

MEMORANDUM FOR: Police Commissioner

Re: Detective Dean Roberts  
Tax Registry No. 916549  
42 Precinct Detective Squad  
Disciplinary Case No. 85951/09  
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The above-named member of the Department appeared before Assistant Deputy Commissioner John Grappone on July 27, 2011, charged with the following:

1. Said Detective Dean Roberts, while off-duty and assigned to the 42nd Precinct Detective Squad, on or about April 18, 2009, was discourteous to on-duty New York City Police Captain Christopher Stilianesis, to wit: said Detective, after learning that the 42nd Precinct Detective Squad's office was going to be used to interview a prisoner, did, in a loud and abrasive tone, state to said Captain in sum and substance, "You are not using the squad room, I am locking up and going to sleep."

P.G. 203-09, Page 1, Paragraph 2 – PUBLIC CONTACT - GENERAL  
GENERAL REGULATIONS

2. Said Detective Dean Roberts, while off-duty and assigned to the 42nd Precinct Detective Squad, on or about April 18, 2009, was discourteous to on-duty New York City Police Captain Christopher Stilianesis, to wit: said Detective, after being taken into a private room and being told why said Captain needed to use the 42nd Precinct Detective Squad's office, did continue to be disrespectful, harsh and uncompromising, causing said Captain to order said Detective to open the door to the squad room.

P.G. 203-09, Page 1, Paragraph 2 PUBLIC CONTACT - GENERAL  
GENERAL REGULATIONS

The Department was represented by Javier Seymore, Esq., Department Advocate's Office, and the Respondent was represented by Philip Karasyk, Esq.

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The Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

### DECISION

The Respondent is found Guilty of Specification No. 1 and Not Guilty of Specification No. 2.

### SUMMARY OF EVIDENCE PRESENTED

#### The Department's Case

The Department called Captain Christopher Stilianesis as its sole witness.

#### Captain Christopher Stilianesis

On April 18, 2009, Stilianesis was assigned as Executive Officer (XO) of the 40 Precinct and was working as the Bronx Duty Captain for the first platoon tour. As the XO, Stilianesis was responsible for overseeing the administrative functions of the command. As the Duty Captain, he was responsible for responding to all serious crimes and emergencies.

On April 18, 2009, Stilianesis was asked by Sergeant Greaux to respond to the 42 Precinct regarding an injured prisoner, [REDACTED]. [REDACTED] had said that he was going to call his mother. While [REDACTED] was on the phone, the arresting officer became suspicious of [REDACTED]'s phone call and attempted to take the phone away from [REDACTED]. [REDACTED] began fighting the officer and was subsequently subdued by four



or five other officers. After [REDACTED] was subdued, he was placed in cell where he later started banging his head on the bars and requested to make a complaint with a supervisor.

Stilianesis said that he arrived at the precinct at approximately 12:30 a.m. and spoke with Greaux regarding the incident. Stilianesis wanted to interview Livingston in private, but since there were approximately 15 to 20 prisoners in the holding cell at the time, he requested that [REDACTED] be removed to the detective squad room on the second floor of the precinct. While two officers were escorting [REDACTED] to the second floor, Stilianesis heard a small "commotion" on the top of the stairs. Respondent then told Stilianesis that Stilianesis could not use the squad room because Respondent was "end of tour and he was going to sleep."

Stilianesis said that he then made his way up the stairs to find out what was going on and encountered the Respondent halfway up the stairs. Respondent again told Stilianesis that he could not use the squad room since he (Respondent) was going to sleep. This time, Stilianesis said, Respondent's tone was "loud and fairly abrasive." Further, Stilianesis said that the way Respondent was "standing in front of me and very close to me, I felt it was in an intimidating way, a way to make me back down."

Stilianesis said that at this point he was "confused" because he has never been told that he is not allowed into a room in a Department facility. At first, Stilianesis thought Respondent was a supervisor since Respondent was not in uniform, but then Respondent identified himself as a detective. Stilianesis then ordered Respondent to go wait in the muster room until he (Stilianesis) was done interviewing [REDACTED]. Stilianesis said that he had no other option left but to interview [REDACTED] in the squad

room. Stilianesis stated that a lot of the rooms in the squad room were locked and the keys were hidden.

After telling Respondent to wait in the muster room, Stilianesis interviewed [REDACTED] in the squad room. After concluding his interview, Stilianesis went into the muster room to speak with Respondent. Stilianesis recounted the dialogue that took place between them and informed Respondent that he can be disciplined for his actions. Respondent told Stilianesis to "do what you ha[ve] to do." Stilianesis told the Respondent that he was going to be issued a Command Discipline.

On cross-examination, Stilianesis agreed that, according to his Command Log entry for that day, he arrived at 1:15 a.m. instead of 12:30 a.m. He said he knew the squad closed at 1:00 p.m. and that they lock their offices to prevent other people from stealing their belongings. Stilianesis said he did not have to order anyone to unlock the squad room because it was already open. However, in the Department memorandum prepared regarding this incident, Stilianesis stated that he ordered someone to unlock the door to the squad room. Stilianesis also added that the Department memorandum does not explain the incident in a chronological order. Stilianesis testified that first, he interviewed [REDACTED], and then he spoke with Respondent in the muster room. However, in his Department memorandum, Stilianesis stated that he removed Respondent to the muster room to explain that he (Stilianesis) was going to use the squad room to interview [REDACTED], and that it would only take a few minutes.

Stilianesis stated that while he was on the staircase, he felt "intimidated" by how close the Respondent was to him. But he stated that Respondent never blocked his access



to the staircase, nor did the Respondent prevent him (Stilianesis) from going into the squad room.

### The Respondent's Case

The Respondent called Detective David Dreyer and Lieutenant Kevin Moroney as witnesses. The Respondent testified in his own behalf.

### Detective David Dreyer

On April 18, 2009, Dreyer was assigned to the 42 Precinct Detective Squad and he had been working with Respondent for three years. Dreyer testified that he was signing out at 1:07 a.m. and was told by the telephone switch board (TS) operator that the "captain wanted to lodge a body [prisoner] upstairs." He explained that "lodge" meant that Stilianesis wanted to keep the prisoner in the squad room cell overnight. Dreyer then told the TS operator that the squad was closed and they were all going home. Dreyer further explained that someone has to physically stay with the prisoner so that the prisoner does not hurt or injure himself, or try to escape.

Dreyer stated that if he would have stayed beyond his tour to watch the prisoner, he would have incurred overtime and the only way he can get overtime is if either he is ordered by a superior officer, or with the approval from the Detective Bureau. Even if he was ordered to do overtime by a superior officer, approval from the Detective Bureau would still be required.

After Dreyer told Respondent that Stilianesis wanted to lodge [REDACTED] in the squad cell area, Respondent went downstairs to address this issue with Stilianesis.

According to Dreyer, Respondent and Stilianesis were standing about “two or three feet apart from each other. And [Stilianesis] said, ‘So you[’]r[e] telling me you’re not letting me go upstairs?’ and [Respondent] says, ‘you’re a captain. If you tell me you are bringing somebody upstairs I have to do it.’” Further, Stilianesis said, “You are telling me I can’t bring somebody upstairs?” to which Respondent replied, “No you’re putting words in my mouth. I never said that to you.” Dreyer said he did not hear other conversations Respondent and Stilianesis may have had. Dreyer stated that Respondent was neither “looming” over Stilianesis, nor was he shouting profanities at him.

Dreyer asserted that it is the policy of the detective squad’s supervisor and the detectives to secure the squad room whenever the squad closes, or whenever the detectives leave the squad room because they have case files, computers and gun lockers.

On cross-examination, Dreyer explained the initial conversation between Respondent and Stilianesis, which Dreyer did not observe, took place after Dreyer told Respondent that Stilianesis wanted to lodge a prisoner in the squad room. Dreyer went to the locker room, while Respondent went downstairs to speak with Stilianesis.

Lieutenant Kevin Moroney

Moroney was assigned as the Commanding Officer (CO) of the 42 Precinct’s Detective Squad. He stated that the only reason he signed the Respondent’s Charges and Specifications was because it is Department policy that the CO of the issuing command sign it. He explained that his signature on the Charges and Specification did not indicate his endorsement. Further, Moroney said that he was not present for the incident and he was “told” to prefer the Charges. Moroney testified that he even recommended that

Respondent be issued a Schedule "B" Command Discipline instead of the Charges because this incident arose out of a misunderstanding. Moroney prepared a Department Advocate's Office Background Information Report (Respondent's Exhibit A) in which he rated Respondent a "9" on a scale of 0 to 10 with regard to "ability and effectiveness," and described Respondent's arrest activity and investigative skills "well above standards."

Moroney has been a Detective Squad supervisor for ten years and had been working with Respondent since 2004. When asked to state the squad's policy with regard to their office when no detectives are present, Moroney said, "The office is to be locked at all times when nobody is in the office. It has happened in the past where we have items stolen out of the office when the office was left unsecured. One of the items actually was my bulletproof vest and a Department radio at the time." He added that once the detectives go end of tour, the office has to be locked. Moroney testified that that if Respondent had to stay past 1:00 a.m., he would have needed authorization from the Detective Bureau. Moroney stated that since he began working with Respondent in 2004, he never had any disciplinary issues with him.

On cross-examination, Moroney said that a few days after the incident, he spoke with Stilianesis to get his side of the story. Stilianesis told Moroney he signed the Command Log at "twenty to one [or] quarter to one" but when Moroney reviewed the Command Log, he learned that Stilianesis actually signed in at 1:15 a.m.

The Respondent

Respondent, a 14-year member of the Department, was assigned to the 42 Precinct Detective Squad at the time of the incident. He testified he had never been issued a Command Discipline nor had any Charges and Specifications preferred against him.

On April 18, 2009, he worked from 4:00 p.m. to 1:00 a.m. After going end of tour he went to the locker room, where he was informed by another police officer that Stilianesis wanted to lodge a prisoner in the squad room. Respondent explained that “lodge” meant that the prisoner would be held in the squad room overnight. Respondent asked the police officer the reason for lodging the prisoner with the squad, and the police officer responded, “duty captain.” Respondent stated that if the prisoner was getting lodged in the squad room, then someone from the squad would have to stay and guard the prisoner overnight.

After learning this information from the other police officer, Respondent went downstairs to speak with Stilianesis regarding the prisoner. While standing at a landing between the first and second floor, Respondent told Stilianesis, “We are closed up here, we’re locking up.” However, Respondent also said, “but if [Stilianesis] ordered me to leave the squad open, I would obey his order.” Stilianesis then ordered Respondent to wait into the muster room.

In the muster room, Stilianesis explained to Respondent that he is a captain and he cannot be denied access to the squad room, but Respondent, however, maintained he was not denying Stilianesis access to the squad room, rather Respondent told Stilianesis that the squad was closed. Respondent again stated that he would have left the squad open if



he were ordered and also informed Stilianesis of different rooms which may have been available to interview [REDACTED]. Respondent denied blocking Stilianesis' path on the staircase, speaking in a "booming" voice and locking the squad room, but he did admit saying, "[I'm] locking up and going to sleep."

Respondent testified he is an active member of the United States Air Force and holds the rank of Chief Master Sergeant and was awarded the Bronze Star medal while serving in Afghanistan

On cross-examination, Respondent stated he told Stilianesis he would have to call the Detective Bureau and ask for authorization if he were to stay passed his scheduled tour. He stated that the entire situation was blown out of proportion and he knows from his experiences in the military that issues such as these should be talked through before being brought to trial.

### FINDINGS AND ANALYSIS

This case involves an unfortunate interaction between a captain and a detective at the 42 Precinct stationhouse in the early morning hours of April 18, 2009. As will be seen, the incident began with misinformation.

Stilianesis, while serving as Duty Captain, responded to the 42 Precinct to investigate a claim by a prisoner that he had been abused by officers while in custody. Stilianesis was looking for an appropriate and private place to interview that prisoner. Finding none, he inquired if there was a cell in the detective squad room on the second floor. Respondent and Dreyer had completed their tour and were about to lock up the squad room and go home. A police officer came up and told them that a captain wanted

to know if there was a holding cell in the squad room. Respondent and Dreyer believed that the captain wanted to lodge a prisoner overnight in the squad room, which would have created security issues. This was a misunderstanding as the captain merely wanted to use the room for a short time to conduct an interview.

As the captain was going up the stairs to the squad room, Respondent confronted him. There are slightly different version of how close they were or what exactly was said. Respondent denied telling the captain that he could not use the room but admitted he said, "We are closed up here, we're locking up. We are going end of tour." At another point in his testimony, Respondent admitted he used the phrase, "going to sleep" stating that he told the captain, "We're locking up and going to sleep."

It is very obvious that the gist of what Respondent was saying was that the captain could not use the squad room. Certainly, that is what the Stilianesis believed because he ordered Respondent to the muster room so that he could speak with him in private.

Stilianesis testified that after he interviewed the prisoner, he went into the muster room to speak with Respondent. Both Stilianesis and Respondent agree that Respondent did not change his position much. With regard to the muster room conversation, Stilianesis recalled that he told Respondent that he might get a Command Discipline while Respondent testified that he asked why other spaces, including the muster room, could not have been used.

Specification No. 1 alleges that Respondent was "discourteous to on-duty New York City Police Captain Christopher Stilianesis, to wit: said Detective, after learning that the 42nd Precinct Detective Squad's office was going to be used to interview a

prisoner, did, in a loud and abrasive tone, state to said Captain in sum and substance, “You are not using the squad room, I am locking up and going to sleep.”

There is a problem with the specification in that it overstates the situation. There is no evidence that Respondent “learned” that “the Detective Squad office” was going to be used for the interview of a prisoner. There was ample credible evidence that Respondent believed the office was about to be used to lodge a prisoner overnight. Indeed, as Respondent’s witness Moroney testified, if Respondent realized that the squad room was to be used for a five-minute interview, there would have been no problem.

On the hand, the fact that Respondent had a problem with the situation that he believed was occurring makes very credible Stilianesis’ claim that he was loud and abusive.

As to whether Respondent specifically told Stilianesis that he was not going to let him use the squad room, what he admits to having said effectively communicated just that message. For that reason Respondent is found Guilty of Specification No. 1.

Specification No. 2 alleges that Respondent, “while off-duty and assigned to the 42nd Precinct Detective Squad, on or about April 18, 2009, was discourteous to on-duty New York City Police Captain Christopher Stilianesis, to wit: said Detective, after being taken into a private room and being told why said Captain needed to use the 42nd Precinct Detective Squad’s office, did continue to be disrespectful, harsh and uncompromising, causing said Captain to order said Detective to open the door to the squad room.”

The “private room” this specification seems to be referring to is the muster room. This specification is unsupported by the evidence. The reason for this can be found in the



last allegation in the specification which claims that the captain had to order him to open the squad room door. Given the wording of the specification, one would believe that the muster room conversation occurred before Stilanesis was able to interview the prisoner and because Respondent was obstinate, Stilanesis had to order him to open the squad room.

This does not comport with Stilanesis' testimony. Stilanesis testified that after the confrontation on the stairway he ordered Respondent to the muster room. Stilanesis testified that he then completed his interview with the prisoner before going to the muster room to speak with Respondent. There is no testimony that Stilanesis ever ordered Respondent to open the squad room door. In fact, Stilanesis testified that the squad room door was open.

Moreover, there was no testimony that Respondent was disrespectful or harsh during the muster room conversation. To describe him as "uncompromising" during the muster room conversation would not exactly be correct because at that point in time Respondent had nothing to compromise about, Stilanesis' interview with the prisoner was over and the squad room cell had been used. This specification does not reflect what occurred, consequently Respondent is found Not Guilty of Specification No. 2.

#### PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 N.Y.2d 222, 240 (1974). The Respondent was appointed to the Department on June 30, 1995. Information from his

personnel folder that was considered in making this penalty recommendation is contained in an attached confidential memorandum.


The Department has recommended a penalty of the loss of 18 vacation days. Several factors should be considered in determining an appropriate penalty in this matter. The first is that the Department's recommendation is based on both charges in this case. Those specifications charge two separate acts of misconduct. As has been seen, Respondent has been found Not Guilty of Specification No. 2, not merely because it was not adequately proven, but because it never occurred.

Secondly, Respondent's misconduct was based on a mistaken understanding of what the captain wanted to use the squad room for. This is not a defense. Even if the captain had wanted to do something as seemingly inappropriate or disruptive as lodging a prisoner overnight in the squad room, Respondent had to cooperate and obey. But the misunderstanding is certainly a mitigating factor.

Third is Respondent's record of productive service with this Department. Respondent, in his 16 years of service, has made numerous arrests and been recognized for his outstanding work. He has had no other disciplinary actions. Clearly, the instant offense is out of character. As a result, a penalty less than that which would ordinarily be imposed is appropriate. Consequently, this Court recommends a penalty of the loss of ten vacation days.

**APPROVED**  
JAN 18 2012  
  
RAYMOND W. KELLY  
POLICE COMMISSIONER

Respectfully submitted,

  
Martin G. Karopkin  
Deputy Commissioner – Trials

POLICE DEPARTMENT  
CITY OF NEW YORK

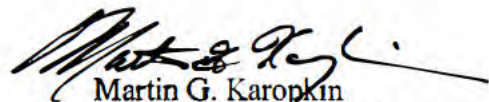
From: Deputy Commissioner Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
DETECTIVE DEAN ROBERTS  
TAX REGISTRY NO. 916549  
DISCIPLINARY CASE NO. 85951/09

In his last three annual evaluations, Respondent received an overall rating of 4.5 "Extremely Competent/Highly Competent," 4.0 "Highly Competent," and 4.5 "Extremely Competent/Highly Competent." He has been awarded two medals for Excellent Police Duty and one medal for Meritorious Police Duty. [REDACTED]

Respondent has a total of 516 arrests consisting of 169 felonies and 341 misdemeanors.

The Respondent has not been the subject of any prior formal disciplinary adjudication.

For your consideration.

  
Martin G. Karopkin  
Deputy Commissioner [REDACTED] Trials